

REMARKS

Claim 13 has been amended to depend on claim 1 and to obviate any 35 U.S.C. §112 rejection.

Upon entry of the above amendment and following remarks, claims 1, 5-7, and 9-14 will be pending in the present application.

Consideration of this response is proper since no new search is required and the amendment places claim 13 in better form for appeal.

It is respectfully submitted that the Examiner has overlooked the recited features of the claims or has not fully appreciated the limitations of the disclosures of Rajendren, Holtzapple or Ahlstrom.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 9, 5-7, 9, 10, 13 and 14 have been rejected under 35 U.S.C. §103 as being unpatentable over Rajendren taken together with either Holtzapple et al or Ahlstrom. It is respectfully submitted that the proposed combination does not disclose all of the recited features nor is there any suggestion or motivation to modify the Rajendren reference or to combine the teachings of the references.

The two independent claims 1 and 14, require, among other things, a housing having an inlet aperture open to atmospheric air and a cowling, . . . an agitator within the cowling . . . and a longitudinal passage extending through the shaft from the air inlet port to the air outlet port through which atmospheric air is drawn by action of the agitator.

The Examiner states that Rajendren discloses the claim 1 invention except for the cowling associated with the agitator, and that Holtzapple or Ahlstrom disclose agitators with surrounding cowling structures.

It is respectfully submitted that Rajendren does not disclose that atmospheric air is drawn through the shaft by action of the agitator. The title of Rajendren is "Waste Water Aerator Having Rotating Compression Blades." Rajendren teaches that ambient air enters the housing and is compressed by pairs of opposing compression blades located therein, with the compressed air

being drawn through inlet slots into a central conduit formed by the cylindrical tube, and injected into the water through the open distal end of the tube. Thus air is not drawn through the shaft by action of the agitator.

Furthermore, it is respectfully submitted that Holtzapple and Ahlstrom do not disclose agitators with surrounding cowling structures. What the Examiner perceives as being cowlings are in fact agitators, and there is nothing within the proposed cowlings which would function as agitators. In Holtzapple the bell shaped device shown in all of the figures is the mixer (agitator) 10. See, for example, the first line in paragraphs [0028], [0029], [0032], [0033], [0034] and [0035] etc. There is no proper disclosure of a structure surrounding the mixer 10 that could constitute a cowling, nor a device within it that could constitute a separate agitator. Similarly, the dual-tapered cylindrical device 2 illustrated in the figures of Ahlstrom is a stirrer (agitator). See column 2 line 60 "a Stirrer according to the invention shown in Fig, 1, and generally designated 2." Again there is no disclosure of a structure surrounding the stirrer 2 that could constitute a cowling, nor a device within it that could constitute a separate agitator. Thus, the combinations of Rajendren and either Holtzapple or Ahlstrom do not properly disclose, teach or suggest an agitator within a cowling. Rajendren discloses an agitator in the form of a propeller 38 and fins 40, and Holtzapple and Ahlstrom disclosure alternative agitators in the forms of mixer 10 and stirrer 2.

Finally, there is no suggestion or motivation to modify Rajendren or to combine it with Holtzapple or Ahlstrom. Holtzapple and Ahlstrom are directed at improved mixers/agitators. A proper reading of Rajendren reveals as a whole that its main concern is the arrangement of the rotating compression blades for compressing the air and fins for directing the flow of water passed the propeller blades. These aspects are already directed at overcoming any problems in the aerator device and there is no suggestion of any further problem to be solved.

Even if one of ordinary skill were to perceive a further problem with the arrangement of Rajendren, there is no suggested or perceived advantage in the different solutions of Holtzapple or Ahlstrom. To the contrary, the references in proper context would teach away from the proposed combination. In this regard,

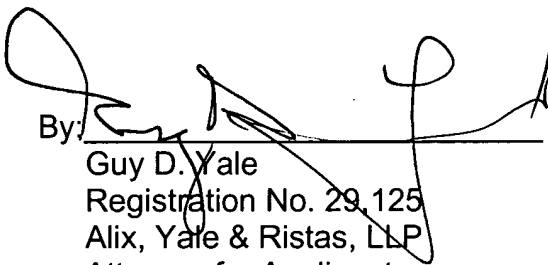
replacing the propeller of Rajendren with the mixer or stirrer of Holtzapple or Ahlstrom could have an adverse affect on the forced aeration by the compression blades.

Claims 11, 12 and 13 which depend directly or indirectly on claim 1 are patentable at least for the reasons advanced for claim 1 and also for the reasons previously advanced for the claims.

In summary, the Applicants have addressed each of the rejections within the present Office Action. It is believed the application now stands in condition for allowance and prompt favorable action thereon is earnestly solicited.

Respectfully Submitted,

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